

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.357 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- ISUAPUR District- Saran

Vishal Sah @ Vikash Kumar Sah, Son of Nand Kishor Sah R/V- Mahuli, P.S-
Isuapur, Dist- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arun, Advocate Mr. Rabindra Nath Tiwari, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. PP
For the Informant	:	Mr. Murari Narayan Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State and learned counsel for
respondent no.2.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer of anticipatory bail
vide order dated 15.11.2022 passed by learned Additional
Sessions Judge-3rd, Saran at Chapra, in connection with A.B.P.
No.3171 of 2022 arising out of Ishuapur P.S. Case No. 173 of
2022 registered under Sections 143, 341, 342, 323, 324, 307,
302 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(v) of
the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act.

3. The prosecution case, in brief, is that when informant and his son were going to Isuapur, when they reached near the place of Bajrang Bali, appellants along with other accused persons named in the FIR alighted from the Scorpio and they made informant's son (Pawan Kumar Manjhi) sit in the vehicle by force and fled away. On search, informant got information that they were assaulted his son in their house by tying hands and legs. Then, the informant went there and saw that the police had arrived there. The injured Pawan Kumar Manjhi was brought to Sadar Hospital, Chapra where the doctor on duty declared him dead.

4. It is submitted by learned counsel for the appellant that the appellant is falsely been implicated in the present case. The appellant has clean antecedent as mentioned in para 3 of the memo of appeal. Learned counsel for the appellant further submitted that there is general and omnibus allegation against the appellant and there is no specific overt act against the appellant. There is no case of the informant to abuse the informant and his son by taking the caste name.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no.2 opposed the



prayer for bail application and submits that ample material in the case diary is against the appellant.

6. In the facts and circumstances of the case as well as nature of offence, I am not inclined to enlarge the appellants on bail. The prayer for bail is hereby rejected. However, if appellant surrenders before the learned Court below within six weeks and seeks regular bail, the prayer for bail will be considered on the same day without being prejudiced by this order.

7. Accordingly, this appeal is dismissed.

(Anjani Kumar Sharan, J)

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